

Chew (S. C.)

AN EXAMINATION
OF THE
MEDICAL EVIDENCE

IN THE
TRIAL OF MRS. E. G. WHARTON,

ON THE CHARGE OF ATTEMPTING TO POISON EUGENE
VAN NESS, ESQ.

By S. C. CHEW, M.D.,
PROFESSOR OF MATERIA MEDICA AND CLINICAL MEDICINE IN THE
UNIVERSITY OF MARYLAND, BALTIMORE, MD.

*Reprinted from "THE MEDICAL RECORD," No. 182, July 15,
1873.*

NEW YORK:
WILLIAM WOOD & CO.
1873.





AN EXAMINATION
OF THE
MEDICAL EVIDENCE

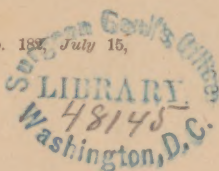
IN THE
TRIAL OF MRS. E. G. WHARTON,

ON THE CHARGE OF ATTEMPTING TO POISON EUGENE
VAN NESS, ESQ.

By S. C. CHEW, M.D.,

PROFESSOR OF MATERIA MEDICA AND CLINICAL MEDICINE IN THE
UNIVERSITY OF MARYLAND, BALTIMORE, MD.

Reprinted from "THE MEDICAL RECORD," No. 182, July 15,
1873.



NEW YORK:
WILLIAM WOOD & CO.
1873.

AN EXAMINATION OF THE
MEDICAL EVIDENCE IN THE TRIAL OF
MRS. E. G. WHARTON,

ON THE CHARGE OF ATTEMPTING TO POISON EUGENE
VAN NESS, ESQ.

By S. C. CHEW, M.D.,

PROFESSOR OF MATERIA MEDICA AND CLINICAL MEDICINE IN THE
UNIVERSITY OF MARYLAND, BALTIMORE, MD.

THE science of medical jurisprudence rests to a great extent upon authoritative decisions which have been made upon special cases. Its questions, however, belong to the domain of physical science, which does not regard authority merely as such, but looks only to carefully ascertained facts; and it is therefore of the highest importance for a really valuable application of medical jurisprudence to the administration of the law, that its recorded cases should be the result of faithful study and accurate report.

It is evident, also, that such a misrepresentation of the facts of a case as may cause false conclusions to be drawn is, if wilful, a crime against society of the gravest character, since it tampers with the sources whence the administrators of the law derive their knowledge, and thus corrupts the very fountain-heads of justice.

I purpose to narrate in this paper the prominent facts of a very important case in legal medicine which has occurred in my own practice, partly to put upon record a truthful report of the same, and partly to

correct any erroneous impressions in regard to it that may have been gotten from other sources.

The annals of toxicology furnish few cases of greater intrinsic importance, or that have more generally attracted the notice of the profession, than the two trials of Mrs. E. G. Wharton, at Annapolis, Md., the one in December, 1871, on the charge of poisoning General W. S. Ketchum, and the other in January, 1873, on the charge of attempting to poison Mr. Eugene Van Ness. The present article will consist chiefly of an examination of the second of these trials. From the social positions of the parties alleged in the State's indictment to have been poisoned, and also of the accused, great interest was excited in the community in which the events occurred; and this became more wide-spread from the fact that witnesses and experts were summoned to give testimony from various and remote parts of the country.

For the same reasons the trials were reported with much minuteness of detail by many journals, and were more or less commented upon by others both here and in Europe.

Under these circumstances it is not at all surprising that strenuous efforts should have been made by the counsel for the defence to break the force of the State's allegation of poison having been administered, as affirmed by its medical and chemical witnesses. Various means were resorted to with this view, natural enough perhaps as the devices of lawyers, but when suggested or countenanced by physicians, such as to cause fully as much indignation as surprise on the part of all fair-minded members of the medical profession.

Thus, when in the former trial several members of the Faculty of the University of Maryland had expressed an opinion under oath that the death of Gen.

Ketchum was due to poison, it was perhaps not very strange that the prisoner's counsel should endeavor to lessen the weight of such damaging testimony by suggesting the existence of a bias in the minds of these witnesses in favor of their colleague, who conducted the chemical examination of Gen. Ketchum's remains. Such an intimation was easily thrown out; it might possibly have effect upon some ignorant and impressible juror, and, therefore, however grossly unjust and palpably untrue, the opportunity it offered of effecting a desired end was too good to let pass. Such slight considerations as injustice and untruth could not be allowed to stand in the way of a specious argument; so that with the understanding of the duties of advocacy, which, it is to be feared, prevails too widely, the use of such an argument before a jury ought not perhaps to cause much surprise.

Very different, however, must be the estimate put upon the conduct of members of the medical profession, who could deliberately publish such aspersions upon professional witnesses as are contained in two articles, the one by Dr. J. J. Reese, in the *American Journal of the Medical Sciences* for April, 1872, and the other by Dr. H. C. Wood, Jr., in the *New York Medical Record* for April 15, 1873.

I have elsewhere commented upon Dr. Reese's review of the Wharton-Ketchum trial, and have shown his unfairness as a critic in suppressing portions of testimony, and also the errors of logic with which he was chargeable in his effort to make the facts of the case square with the ill-founded theory that has been advanced by another, and adopted to a certain extent by himself.* In this paper, Dr. Reese arraigned the medical witnesses from whose views he professed to

* See *Richmond and Louisville Medical Journal*, July, 1872.

dissent, on the charge of "glaring departure from propriety," and also of prejudice in the formation and expression of their opinions. Going beyond the range of matters pertaining to his own profession, he censured the Attorney-General of Maryland for the mode in which the case was conducted for the State, and even undertook to rebuke the Judges upon the bench for certain of their rulings in court.

Let it be remembered that Dr. Reese's article was published in the interval between the first and second trials, and that it was shown in evidence taken in the second trial that it had been widely circulated in pamphlet form in the county in which that trial was to be held. Some may find in this circumstance an explanation both of the character of the article and also of its opportune appearance.

At the second trial of Mrs. Wharton, on the charge of attempting to poison Mr. Van Ness, Dr. Reese again appeared as a medical and chemical expert, accompanied this time by his colleague, Dr. H. C. Wood, Jr. As I have sufficiently examined Dr. Reese's testimony and his comments upon the first trial, I shall consider here Dr. Wood's connection with the second trial, and the notices of it which have emanated from his pen since its conclusion. That trial resulted, as is well known, in a divided jury, eight voting for conviction and four for acquittal. It is to be observed that, as Dr. Reese's pamphlet had appeared previously to the second trial, so Dr. Wood's first publication upon the subject came out in the pages of a non-professional journal, at a time when it was generally believed that a new trial would take place.

With the view, perhaps, of giving more force to their attack upon the Faculty of the University of Maryland, these witnesses in their examination in chief announced themselves as Professors in the University

of Pennsylvania. The name of that school may have added weight to their testimony in the estimation of some persons; but in the cross-examination the fact was elicited that they occupied the position of auxiliary professors only. With the records that they have made for themselves in their testimony upon the stand, and in their subsequent comments upon the trials, the ancient Institution with which they are connected may well disclaim such assistants:

Non tali auxilio, nec defensoribus istis.

In the number of *Lippincott's Magazine* for April, 1873, an article appeared from the pen of Dr. Wood, entitled "Medical Expert Evidence." Its title would suggest the discussion of an abstract topic; had it been such, it would have been perfectly legitimate, and no exception could rightfully have been taken to its publication in the pages in which it appeared.

But when, under cover of this name, Dr. Wood ventilated medical questions and attacked the opinions of medical men before the general public, his course of action can be characterized only as unethical and unprofessional.

Dr. Wood should have known that no right-minded physician would stoop to follow him into the arena of controversy which he had chosen. There he might safely have remained to enjoy the cheap plaudits won from those who, while incapable of weighing medical arguments, are readily impressed by false assertions and garbled facts. Now, however, that he has ventured into the fair field of medical discussion, an opportunity is afforded for commenting upon his conduct, and for vindicating the truth.

The New York MEDICAL RECORD for April 15, 1873, contains a "Review of the Medical Testimony in the

Trial of Mrs. E. G. Wharton," by Dr. Wood, which, in the interest of truth, and as a matter of simple justice to my professional friends and to myself, I feel constrained to examine. If in doing so my words shall be thought by any to be harsh or unmeasured, I would call attention to the following terms in which my colleagues and myself have been assailed by Dr. Wood :—

On page 172 of the MEDICAL RECORD, our evidence in the trial is spoken of as "*the most extraordinary, ignorant, or biassed and untrue expert testimony given by the medical gentlemen engaged in the prosecution,*" etc.

Again, on the same page it is stated that the trial "had its origin, as had also the judicial proceedings, in the *blundering of Dr. Aikin and his colleagues*;" and in the same connection, "the whole faculty of the University appeared in support of their colleague Dr. Aikin, until they were *all compromised* equally with him, and their *reputations equally involved* with his."

In view of the spirit shown by such utterances, let it be judged whether justice and propriety call for smoothness of speech in reply. That which is rather needed and deserved is stern rebuke for deliberate wrong-doing.

I do not propose to burden these pages with a detailed statement of all the circumstances of the case which gave origin to the trial held in January, 1873, but shall mention its clinical features and the facts in its history which are necessary to establish its diagnosis. My object in writing this paper is to give a true account of the case from my own personal observation. I shall show in addition, 1st, that Dr. Wood's opinions are invalidated by eager partisanship; 2dly, that he has misrepresented the facts of the case; and 3dly, that he has displayed a want of professional information in regard to the subjects upon which he writes.

I would call attention at the outset to the widely different relations held to this case in a legal point of view by the various medical witnesses called by the State, on the one hand; and by Dr. Wood and his colleague, Dr. Reese, on the other.

Dr. Williams and myself, as citizens of Maryland, were compelled by process of law to be present at the trials in Annapolis as witnesses to facts which had come under our own personal observation, and were also required to give our professional opinions as medical experts. From this there was no escape; our presence and the delivery of our testimony were compulsory. That we discharged this duty entirely free from passion or prejudice is incontestably proved by the fact that previously to the trials each of us had given to the defence a written statement of what we had observed. In doing this we were under no compulsion whatever; it was purely a free will offering, designed for no other end than to aid the counsel for the defence in the work they had undertaken.

Our course was certainly open and liberal, and neither sophistry nor malignity could impute it to an unworthy motive. So far then as it was voluntary, our action was in aid of the defence, while our testimony as witnesses for the State, as well as that of all my colleagues in the University of Maryland, was given under a constraint which no citizen can resist; for the strong arm of the law was upon us.

What, on the other hand, were Dr. Wood's relations to this case? Living in the city of Philadelphia, where no process of a Maryland court could reach him; knowing nothing of the history or merits of the case, and therefore not inspired with the desire to enter the lists in the cause of injured innocence, for he distinctly asserts that "until after the recent trial he had never read any medical or other account of the first

trial; " * he bargained with the senior counsel for the defence, and received a fee to "aid," as he says, "in bringing out the facts of the case, and to give privately a professional opinion thereon." In other words, he voluntarily assumed the position of paid counsel to the counsel. These were the circumstances under which Dr. Wood came to a conclusion different from that expressed by the witnesses for the State. He deems it necessary, however, to insist that "*as far as possible* his opinion was formed without bias;" but the reason he adduces in support of this position is certainly a little curious, and will hardly be considered very cogent.

"My agreement with Mr. Thomas, the senior counsel," he says, "was that my duties should be to aid in bringing out the facts of the case, and to give privately a professional opinion thereon; for this and this only was a fee to be received. *It was to be left to Mr. Thomas whether this opinion should also be promulgated from the witness stand, but for going on the stand no fee whatever was to be given or taken.* I had, therefore, no possible interest to serve in this matter, and whatever the profession may judge of my opinion, I do insist that, as far as possible, it was formed without bias."

Now it is plain from this statement that, by Dr. Wood's own showing, the compact under which he received his fee contained several specifications, one of which was, that if required by the counsel employing him, he should give his opinion from the witness-stand; yet, while admitting payment for the opinion as one item, he denies receiving any remuneration for another, viz., its enunciation from the stand.

And this statement he expects to be taken as proof of freedom from bias! Truly a remarkable argument, and one which may serve to show Dr. Wood's power

* MED. RECORD, April 15th, 1872, p. 172.

of lucid reasoning. To what class of persons does he address himself?

Again, he freely charges those whose opinions he impugns with partisanship and bias, forgetting that his own record in the late trial was such that he, of all the witnesses examined, should have been most careful to avoid imputations of this kind.

However conscious Dr. Wood may have been of an effort to win in a contest, it might have been supposed that prudence at least would have deterred him from the public reference to his "*side*," which called down upon him in open court a merited rebuke from the learned and dignified Chief Justice. "It would be well," said Judge Miller, "that the witness should not speak of his side. The only parties in this case are the State of Maryland and the accused, and their interests must not be imperilled by a witness taking a side." Charity might have drawn a veil over this portion of the proceedings in which Dr. Wood appeared in so very unenviable a light, had he not flouted others with a charge which was fixed upon himself alone. After this unfortunate betrayal of his partisan position, he left the stand, the object of derision to the jury and the spectators, and of sincere pity (for the *esprit de corps* will assert itself) on the part of all the medical men present, even of those whom he was employed to attack.

And yet this is the witness who charges the Faculty of the University of Maryland with giving "biassed and untrue testimony;" with being "all compromised," and having "their reputations equally involved." Such charges betray an endeavor to accomplish by abuse what could not be effected by argument.

I mention with reluctance any statements having a personal reference to myself; but having been assured by all three of the counsel for the defence, Messrs.

Steele, Thomas, and Hagner, that my testimony as a witness for the State in these trials was free from every indication of bias or passion, it will easily be believed that I regard Dr. Wood's imputations as infinitely insignificant.

From what has been stated, it is obvious that Dr. Wood's opinions must be received with great caution, from his avowed position as the maintainer of a "*side*," while his qualifications as a critic of the views of others cannot be admitted at all.

Some men, however, are partisan by nature, and are consequently unable to discern that aspect of a case which is counter to their own preconceived views; and to a certain extent those who are thus constituted are perhaps excusable for the errors into which they fall. But no faulty construction of temper or of mind can excuse such misrepresentation of facts as is to be found in the papers now under notice. In the account given by Dr. Wood of Mr. Van Ness's illness, and of the management of the case by the physicians in attendance, the misstatements are of such nature that they can only be regarded as deliberate, and made for the purpose of giving factitious support to his "*side*."

I shall not enumerate all of these misstatements; a few examples will be sufficient to show the second reason for which Dr. Wood's report of the case must be set aside as wholly unreliable.

A brief statement of the principal facts of Mr. Van Ness's sickness as they really occurred and were testified to is here necessary, in order to expose the erroneous account given of them by Dr. Wood.

On the 24th of June, 1871, about four o'clock in the afternoon, Mr. Van Ness was invited to partake of lager beer, into which a small quantity of what was stated to be gentian bitters had been poured. This he found so excessively bitter that after taking four or

five sips of it, he could drink no more. A few moments after swallowing this, his vision became obscured, and on attempting to rise he felt so weak that he grasped at the window-frame to avoid falling.* Very quickly a feeling of stiffness in the back was experienced, extending to the arms and fingers, and thence to the legs, which "straightened out in a direct line from the body." In his struggles he fell upon the floor, his jaws became rigid, and a convulsion occurred in which he felt as though there were "a crushing in of the backbone."

A second paroxysm followed, more violent than the first, and accompanied with a feeling of suffocation. Convulsions of this tetanic character, amounting to complete opisthotonos, frequently recurred, the head being thrown back and the countenance growing dusky. In the height of the paroxysms consciousness was several times lost, returning, however, when their severity abated. Dr. P. C. Williams arriving at this time, administered an emetic of sulphate of zinc, which caused free vomiting, and then gave chloroform by inhalation, which controlled the condition, and prevented the full development of the convulsions. Rigidity of the body continued, however, with extreme sensitiveness and spasmodic contractions of the limbs, especially when anything came in contact with him. At this time I saw him, and, on conference with Dr. Williams, we determined to administer hydrate of chloral, under which the tendency to convulsions gradually passed away, and sleep came on. After all convulsive mani-

* Within the last few days a case has been brought to my notice, of a gentleman, who, when under the influence of strychnia, which had been administered in gradually increasing doses for disease of the retina and optic nerve, experienced a sensation of confusion in the head, and in endeavoring to stand was observed to catch at the tables and chairs in the room to avoid falling.

festations had ceased, the patient was occasionally fanned, as the weather was very warm.

It is to be observed that Mr. Van Ness has never at any time before or since the case as described experienced a convulsion of any kind, nor has there ever been any recurrence of the sensations he then felt.

On the following day he awoke, "feeling bright," as he said; but after eating a piece of dry toast and drinking a cup of tea, he became nauseated, and felt a sensation of burning in the stomach.

Nausea and vomiting continued nearly the whole day, and were supposed, in the absence of a better explanation, to be possibly due to the use of chloroform and chloral; though this explanation was not satisfactory, since many hours had elapsed between the last administration of these remedies and the first occurrence of the vomiting.

For these symptoms he was treated with small quantities of brandy and water, creasote and lime-water, and finally with hydrocyanic acid. Gradually they abated, and in the morning of the following day, Monday, he was again better, and by my direction took two thirds of a cup of beef-tea, which had been brought from his sister's house, and which proved grateful and refreshing. In less than an hour afterwards he expressed a desire for more, and it was accordingly brought from the cellar, where it had been placed after the first dose was taken, in order to be warmed by the kitchen fire. Before the second dose was given, some extract of celery-seed was brought by an inmate of the house, and poured into the beef-tea. After swallowing this, nausea again came on, and he was unwilling to take more; but about 11 p.m. it was, against his wish, given to him again, when he fell asleep, but soon awoke with great oppression in the chest, intense nausea, constant vomiting, a sharp

burning pain in the throat extending to the stomach, a metallic taste in the mouth, and irritability of the bowels. Such was the condition after taking the beef tea.

Dr. Williams, who resides in the immediate neighborhood, was summoned, and arriving about one o'clock in the morning of Tuesday, found Mr. Van Ness prostrated and pale, his surface cool and covered with a profuse perspiration, his voice almost inaudible, and his pulse scarcely, if at all, perceptible. Under the free administration of brandy, he gradually recovered from this perilous state, and later in the day was much improved, though still greatly debilitated. It must be mentioned, as a very important part of the history of the case, that on the following day, June 28th, milk punch was prepared for the patient by his wife, and administered by her. This was well borne by the stomach; but after part of it was taken, the tumbler with the residue was placed in a refrigerator, and on being brought out was found to contain a sediment, on which account no more of it was given. This sediment proved on chemical analysis to be tartar-emetic.

The above is a sketch of the prominent features of Mr. Van Ness's case. In drawing it I have scrupulously avoided reference to any collateral circumstances, except those which serve to throw light on the history and diagnosis of the case.

The medical witnesses called by the State expressed the opinion that the symptoms of the attack of the 24th of June were due to strychnia. The grounds for this opinion were: 1st, the suddenness of the attack; 2dly, the speedy occurrence of tetanic spasms of the muscles of the neck, back, limbs, and jaws; 3dly, the sensation as of a crushing blow upon the back at the occurrence of each paroxysm; 4thly, the extreme sen-

sitiveness and irritability, which occasioned convulsive contractions upon the slightest touch or shock; 5thly, the results produced by the medical means employed; 6thly, the clearness of mind during the intervals between the convulsions; and, 7thly, as a corroborative reason, the intensely bitter taste of the very small quantity of liquid swallowed immediately before the seizure; strychnia being the most intensely bitter substance in nature.

We maintained further that the action of strychnia is so peculiar and characteristic that a conclusion as to its being the cause of symptoms observed, may be reached independently of chemical evidence.

In this opinion we were supported by numerous medical authorities, who speak of tetanus as the only condition liable to be confounded with strychnia poisoning, from which, however, it may readily be distinguished with proper care.*

The possibility of the case being due to tetanus was absolutely excluded by its history, as shown in the suddenness of the attack immediately after drinking an intensely bitter fluid, and in the entire cessation of the symptoms in a few hours. Such a history belongs neither to traumatic nor to idiopathic tetanus, while

* See Gross's Surgery; Da Costa on Diagnosis; Hammond on Diseases of the Nervous System. The opinion expressed above was controverted by Dr. J. J. Reese, who stated in his testimony that "there is not a single poison that can be exclusively determined by the symptoms; if you could not distinguish by the symptoms, there would be only one other means of distinguishing: that would be a chemical analysis of the food." It is somewhat noteworthy that in a report of a case of strychnia poisoning published by Dr. Reese in the *Amer. Journal of the Med. Sciences* for Oct., 1861, a precisely opposite opinion is expressed. He states that he conducted the chemical examination with scrupulous care and "entirely failed to detect any evidence of the presence of strychnia;" yet "all the moral circumstances connected with the case (as elicited in the subsequent trial) as well as the symptoms attending the woman's death, clearly pointed to poisoning by strychnia."

it is perfectly characteristic of non fatal cases of strychnia poisoning. The supposition that the case was hysterical or "*hysteroïdal*" in nature, as maintained by Dr. Wood, is so utterly absurd that its refutation seems almost an unwarrantable trespass upon patience.

A gentleman of calm and unexcitable temperament, who had never in his life experienced a spasmodic or nervous attack of any sort, partakes when "perfectly well in mind and body" of an excessively bitter drink, and is suddenly stricken down with tetanic convulsions of such violence as to produce perfect opisthotonos and threaten asphyxia; and this condition is pronounced by a physician who had never seen the patient, and knew nothing of his constitution, to be simply "*hysteroïdal*"! It is really hard to conceive the force of folly going further. The avowal of such an opinion would seem to tax to the utmost the resources of effrontery; and the assurance shown in the diagnosis might well provoke a smile, were not the means used to give it a show of plausibility such as to cause a feeling more akin to indignation than to amusement.

Dr. Wood asserts that "none of the characteristic symptoms of strychnia poisoning were present in the case of Mr. Van Ness;" a bold statement in view of the account given in the testimony, and as I have narrated it above. In his report of the case he makes no mention of the intense sensitiveness and irritability which induced convulsions on a slight touch or shock, and which are so highly characteristic of the effects of strychnia.

Knowing, however, that they are thus characteristic, he refers to Mr. Van Ness's desire to be fanned as disproving the action of strychnia; whereas, there was not one word of evidence that the fanning was desired or

practised until after the convulsive tendency had ceased.

Again, Dr. Wood avoids mentioning the striking symptoms of the respiration being much embarrassed by the contraction of the muscles of the chest, and the consequent dusky hue of the complexion. These, taken in connection with the other symptoms, are too strongly indicative of strychnia to be allowed a place in his description of the case.

The attempt to disprove the influence of strychnia by showing that the spasmodic symptoms did not occur in a regular sequence, and that certain sets of muscles were not affected in a special order or degree, is a very fallacious sort of reasoning: for, though in many cases the usual order may be observed, yet when a large dose of strychnia is taken, so rapid and general is the influence, that all the voluntary muscles may be almost simultaneously affected. This is admitted by Dr. Wood to be true in some cases of strychnia poisoning: it was true in Mr. Van Ness's case; for, though he spoke of the "stiffening sensation gradually extending" from his arms to his legs, yet he did not use the word *gradually* in the sense of *slowly*, since only a few moments elapsed from the first sensation of uneasiness to the full development of the attack.

The symptoms of Sunday and Monday, the 25th and 26th of June, were ascribed by the medical witnesses for the State to the action of an irritant poison. This opinion was based, 1st, upon the repeated occurrence of gastric or gastro-intestinal irritation after taking different articles of food and drink, some of which produced a sensation of burning in the stomach; and 2dly, upon the profound sedation which occurred after the swallowing of the best tea in the evening of the 26th of June.

I expressed the opinion in regard to these symptoms

that they were "due to some irritant poison taken with the food, but apart from a chemical analysis I would not say what the specific substance was."

With the light thrown upon them by chemistry, I stated without hesitation that I believed them to be due to tartar-emetic. I shall refer to this analysis hereafter, and show how absolutely certain its results were.

Dr. Wood, from his vantage posts in Philadelphia and at the trial-table for forming an accurate diagnosis, attributed the condition to "overcrowding the stomach with beef-tea;" and in order to get rid of a circumstance so prejudicial to his view of the case as the "sharp burning pain in the throat extending to the stomach," of which Mr. Van Ness complained to Dr. Williams, he adopts the easy course of omitting this part of the description.

According to Dr. Wood's account, Mr. Van Ness felt, after the second dose of beef-tea, a "sensation resembling heartburn," whereas these words were really used not to describe the effect of the beef-tea, but that experienced in the early morning after taking a cup of tea for breakfast.

In still another case has Dr. Wood misrepresented the testimony that he criticises, in order to make occasion for censuring the State's witnesses. On page 170 of the MEDICAL RECORD he affirms that Dr. Williams and Dr. Chew "stated that they recognized the case as poisoning at the time of its occurrence." No such statement was anywhere made, or is to be found in the testimony. Dr. Williams and myself were both struck with the resemblance between Mr. Van Ness's symptoms and those of strychnia poisoning; but in the urgent necessity of giving relief we did not immediately form the definite opinion that the condition was certainly due to strychnia. The circumstances in which we encountered the case were such as to render it almost in-

conceivable that poison had been given; and so far from being reprehensible, it is creditable to a physician's humanity that he does not too suddenly arrive at the conclusion to which we were ultimately forced. In such circumstances opinions do not immediately crystallize into definite shape.

Let it be remembered, however, as a very important fact, that the treatment adopted at this stage of the case, viz., the administration, first of an emetic and afterwards of chloroform and chloral, was precisely what we would have used had we known with the most perfect certainty that strychnia had been taken. It was precisely the treatment which in a number of reported cases of undoubted strychnia poisoning has been the means of saving life.

In another place Dr. Wood asserts that "Dr. Chew went so far as to testify that the proper treatment of tartar-emetic poisoning was the free exhibition of prussic acid."

I regret to be compelled to say of this statement that it is deliberately untrue, and is a manifest perversion of my words, made with the intent of invalidating my opinion and placing me in a false position. In answer to a question, I had stated that prussic acid might be serviceable in allaying the irritation of the stomach caused by tartar-emetic, an opinion which can be supported by the highest authority. But this assertion is utterly different from that which Dr. Wood attributes to me.

I shall refer to this matter again in connection with the evidences of Dr. Wood's imperfect information upon professional subjects.

Again, on page 170 of the MEDICAL RECORD, the following passage occurs: "The reasons these gentlemen (Drs. Williams and Chew) gave for their opinion did not possess much clearness of detail, and but passed,

to a great extent, from my memory." It is scarcely necessary to comment on the utter worthlessness of a criticism, the data for which the critic has forgotten at the very time of writing it; but I must call attention to a more serious fault shown in this passage than a defective memory. He goes on to say: "Dr. Chew, however, gave as one of the mainstays of his opinion, *"the loss of consciousness during the convulsions."* Here again the perversion of my words is "gross as a mountain, open, palpable."

What I had in truth said was, that among other indications of strychnia poisoning the clearness of the patient's mind was noticeable, *consciousness being lost only during the convulsions.* A more egregious misrepresentation could not have been devised. With such manipulation of testimony, and such separation of words from their context, any sentiment, however absurd, may be put in the mouth of a witness.

The foregoing illustrations must be abundantly sufficient to prove the assertion that Dr. Wood's account of the case is utterly unreliable.

It remains to show that it is invalidated still further by his want of acquaintance with the subjects upon which he writes; and it is to be observed that this ignorance is displayed in matters about which, as a professed toxicologist, he might have been expected to be informed.

Dr. Wood is evidently wholly unaware of the application of prussic acid for the relief of gastric irritation caused by tartar-emetic. He has apparently never read the well known articles upon pneumonia by Dr. C. J. B. Williams in the Library of Practical Medicine, and in the Cyclopædia of Practical Medicine; or perhaps his confessedly unretentive memory has forgotten them.

In the former article the following passage occurs:—

"The first dose of tartarized antimony commonly

causes vomiting; if this should not cease, two or three drops of the diluted hydrocyanic acid will generally stop it."* And in the *Cyclopædia of Practical Medicine* the same author thus writes: "Where the vomiting from tartarized antimony becomes obstinate and urgent, we can confidently recommend the addition of a drop or two of hydrocyanic acid to each dose of the medicine."†

It would be well for Dr. Wood to ponder these passages.

Let it be observed that it was simply as against gastric irritation that the prussic acid was given to Mr. Van Ness, and as thus employed it was very beneficial.

On the following day, when great sedation occurred, its use was not thought of.

Dr. Wood's reading is very limited, it would seem, even in the literature of the subject which he professes to make a specialty. "Every medical man knows, or ought to know," he says, "that there is a universally recognized antidote to tartar emetic." His reference is no doubt to tannic acid, and he seems wholly unaware that the claims of this agent to be an effective antidote to tartar emetic have been much controverted; as, for instance, by that distinguished teacher Prof. Stillé, who, in his work upon Therapeutics, thus writes: "In poisoning by tartar emetic it is recommended to give infusions of vegetable astringents, such as cinchona, galls, green tea, etc. But the best authorities deny the efficacy of these astringent substances."‡

Inasmuch, however, as Dr. Wood refused to recognize the authority of Prof. George B. Wood in questions of toxicology, when it was quoted on the stand against his opinions, he may equally disregard

* *Lib. Pract. Med.*, vol. iii., p. 233. † *Cyclop. Pract. Med.*, vol. iii., p. 628.

‡ Stillé's *Therapeutics and Materia Medica*, 3d edit., vol. ii., p. 386.

that of the present incumbent of the Chair of Theory and Practice of Medicine in the University of Pennsylvania. Possibly these eminent medical men may share, in his estimation, the common fate of prophets in their own country.

I would refer him, therefore, to the following passage from Pereira, a most weighty authority on any subject connected with the chemistry of drugs: "Nuttgalls are recommended as an antidote in cases of poisoning by emetic tartar, *but I very much doubt their efficacy.*" *

The prominent clinical facts of this noted case have now been sufficiently set forth; as also the opinions pronounced upon those facts by the State's medical witnesses, and the grounds for those opinions.

It remains to say a few words in regard to the chemical analysis which resulted in the discovery of tartar-emetic in the tumbler of milk punch prepared for Mr. Van Ness. This analysis must stand or fall with that which was made of the remains of Gen. Ketchum, the results of which were brought forward in the former trial.

The substances to be analyzed were put into Prof. Aikin's hands at the same time; the methods pursued in the two examinations were substantially the same, and the results identical. Not one word was said to suggest a suspicion of the presence of tartar-emetic; and so, guided by a brief sketch of the case, Prof. Aikin was led to search for strychnia and arsenious acid. These he did not find, but in his search he detected antimony in both the materials submitted to him.

His conclusions were ratified and confirmed by Prof. Mallet, of the University of Virginia; by Dr. Craig,

* Mat. Med., vol. ii., p. 325. The same passage occurs in an abridged edition of Pereira, edited by Dr. H. C. Wood himself, page 410.

the chemist in charge of the laboratory of the Surgeon-General's office in Washington, and by Prof. Tonry, of the Maryland Institute in this city.

The chemical experts for the defence professed to dissent from Prof. Aikin's conclusions on two grounds; 1st, because the same results as to color reaction could be gotten, as they alleged, from material known not to contain antimony; and 2dly, because antimony in the metallic form was not produced.

As to the former objection, I have elsewhere shown its utter fallacy, and shall not again discuss the question here.* Suffice it to say, that while professing to follow the same processes as those used by Prof. Aikin, these chemists deliberately omitted to apply what he regarded as a crucial test.†

As to the second objection, let the following letter be its sufficient and final answer:—

MARYLAND INSTITUTE, CHEMICAL DEPARTMENT,
BALTIMORE, June 2d, 1873.

PROF. S. C. CHEW :

DEAR SIR,—I still retain in my possession the metallic antimony which I obtained from the viscera of General Ketchum, and which I carried to Annapolis in January, 1872, and held ready for exhibition to the jury and chemical experts for the defence in the first trial of Mrs. E. G. Wharton. This antimony I am ready to submit to an examination to be made in my presence by any chemist of known integrity and standing in his profession. I

* *Richmond and Louisville Medical Journal*, July, 1872.

† Dr. Reese, when on the witness-stand, said in response to a question from the Court, "I remember that Dr. Aikin and Prof. Mallet testified that the solution should be kept acid; I do not remember whether I kept mine acidulated."

Court.—"Was the solution you treated with sulphide of ammonium an acid or alkaline solution?"

Witness.—"I don't know." That is, while professing to follow Prof. Aikin, he could not say whether in the crucial test of the experiment he had followed him or not!

have also specimens of crystals of tartar-emetie gotten from the same material as that from which I obtained the metallic antimony, and hold them ready for a similar examination. I would add that during the trial I offered to one of the counsel for the defence, to be examined by their chemical experts, a portion of the viscera, which I had retained, but my offer was not accepted.

Very truly yours,

WM. P. TONRY,

Prof. Anal. and Appld. Chemistry, Md. Institute.

I have myself examined with the microscope the specimens of tartar-emetie obtained by Prof. Tonry, and have found them to correspond with the rhombic crystals of the salt, delineated in Prof. Wormley's work on the Micro-Chemistry of Poisons. Prof. Tonry's analysis was not finished within the time allowed by the court, and therefore its complete results were, from a technicality, not admitted as evidence. They were, however, brought into court, and offered for exhibition, though in the absence of the jury: hence they belong to the scientific record of the case. It is, of course, evident that they supplement, and at the same time fully corroborate, Prof. Aikin's analysis.

In concluding this portion of the subject, I assert that no proposition in chemistry is more conclusively demonstrated than that the viscera of Gen. Ketchum contained antimony. It challenges the detection of a flaw, and to deny it, in the face of the proof by which it is substantiated, is to court the reputation of being either hopelessly ignorant or shamelessly dishonest.

I repeat that the milk punch prepared for Mr. Van Ness was subjected to the same analysis as the viscera above mentioned, yielded the same results, and was thus perfectly proved to contain antimony.

Dr. Wood quotes in both of his papers, apparently with great satisfaction, an extract from the new edition of Dr. Taylor's work upon Medical Jurisprudence, which requires a brief notice. The case of Gen. Ketchum is mentioned in this extract, and the extraordinary statement is made in it, that "but for the alleged discovery after death of tartar-emetic, no suspicion of poison would probably have arisen."

Now it is certain that Dr. Taylor has received a report of the first trial of Mrs. Wharton. In that report it is made perfectly clear that, so far from the discovery of tartar-emetic having given rise to the suspicion of poison, it was the suspicion founded upon the symptoms and history of the case that led to the chemical examination. The medical opinion was not the consequence, but the *cause* of the chemical analysis.

This dilemma is therefore presented; either Dr. Taylor had not read the report of the trial in his hands, when he wrote the sentence quoted above, or he had read it. If he had not read it, he expressed an opinion, involving the professional reputation of medical men, upon a subject about which he had not used the means at his command to inform himself.

If, on the other hand, he had read it, then his opinion is in direct contravention of a fact within his own knowledge; for it is distinctly stated in the report of the trial, that the suspicion of poison *antedated the chemical analysis*, and therefore could not have taken its origin from it.

If, as a third supposition, Dr. Taylor, having read the trial, has forgotten or overlooked the fact referred to, then he owes it to justice, and to the physicians whom by implication he has censured, to acknowledge his error. Apart, moreover, from considerations of justice, the credit of Dr. Taylor's work is concerned;

for if so signal a mistake has been made in the report of one case, what value can be attached to that of any other in the book?

The eminent authority of Dr. Taylor is fully conceded, but it seems clear that upon this subject his opinion has been formed hastily, and upon one-sided evidence, and gives no valid support whatever to Dr. Wood's statements.*

In his article in *Lippincott's Magazine*, Dr. Wood speaks of certain evils in the prevalent system of medical expert evidence in this country. That evils exist is undoubtedly true; and no more forcible illustration of them could be found than is presented by the trial under consideration. The true explanation of them, which Dr. Wood is perhaps scarcely prepared to admit, is set forth in the following very pointed terms in a new edition of Wharton and Stillé's *Medical Jurisprudence*.

It is commended to his very careful consideration when he is next asked to assume the part of volunteer medical expert, paid to sustain a "*side*."

"The radical defect," says this book, "of our present Anglo-American practice, in this respect, is the volunteer position of experts, which makes them, to a large measure, the mouthpieces of a party who often only selects them because their preascertained views suit his purposes; or who only presents them with such materials as subserve his interests. In what way this defect can be removed is one of the most important questions to which social science can now be addressed."

I have now completed my task, and have discharged

* How Dr. Taylor may have received a one-sided account of the testimony in the trial is perhaps explained by the fact that the new edition of his work on *Medical Jurisprudence* is edited in America by Dr. J. J. Reese.

what I believed to be a duty binding upon me by reason of the opportunities I have had for knowing the whole history of this remarkable case. I have examined it solely from a medical point of view, and have not discussed the issues of guilt or innocence, which can have no place in medical questions. So far as these are concerned, the position of the medical witnesses for the State would be wholly unaffected, whether the patient's condition were due to accident or design.

I have felt that it would be wrong, with my knowledge of the case, to allow a misrepresentation of the facts to go upon record as an undisputed narrative, and to suffer erroneous medical opinions upon these facts to remain unexposed.

If my words have seemed unduly harsh, I regret the necessity of speaking plainly; and I would plead in their defence the dictum of one who is equally an authority in logic and in morals:

"Sharpness of speech," says Dr. Isaac Barrow, "may sometimes be used in defence of truth, and impugning errors of bad consequence; especially when it concerneth the interest of truth that the reputation and authority of its adversaries should somewhat be abased."

BALTIMORE, *June 25th*, 1873.

